July 23, 1997

Mr. Kim Geveden
Kentucky Democratic Party
P.O. Box 694
Frankfort, Kentucky 40602

Dear Mr. Geveden:

This is in response to your request for an advisory opinion regarding whether the Kentucky Democratic Party ("KDP") may establish a "Senate Democratic Legislative Trust" ("Legislative Trust").

Your specific questions include the following:

1. May the KDP establish and solicit contributions for the Legislative Trust?

    The KDP is an executive committee which may receive contributions not to exceed $2,500 per year from an individual, permanent committee or contributing organization.

2. - 3. May contributions be deposited into federal and non-federal accounts?

    Whether a contribution is deposited into a federal or non-federal account would depend on whether the contributor makes a contribution to the state or to the national party committee. If the contribution is to the Kentucky state executive committee, the contribution must comply with KRS Chapters 121 and 121A. If the contribution is given to the Kentucky party to be used for federal candidates, federal laws must be applied.

4. May the KDP advise contributors that their contributions will be used for legislative campaigns?

    A contribution is a gift (See AO 95-010). Therefore, it may be used for any lawful purpose that the KDP chooses. However, raising funds for the KDP designated for legislative races might restrict legislative agents from contributing to the party. (See KRS 6.811(6) and AO 94-01).

5. Is the KDP required to maintain separate records for the "Legislative Trust?"

    The KDP should maintain its records for the "Legislative Trust" in the same manner that it maintains records for all other accounts.

Sincerely,

Rosemary F. Center
General Counsel

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